BEFORE THE BOARD OF OPTOMETRY DEPARTMENT OF LABOR AND INDUSTRY STATE OF MONTANA

In the matter of the)	NOTICE	OF	AMENDMEN7
amendment of ARM 24.168.401,)			
pertaining to fees)			

TO: All Concerned Persons

- 1. On February 10, 2005, the Board of Optometry published MAR Notice No. 24-168-36 regarding the public hearing on the proposed amendment of the above-stated rule relating to fees, at page 200 of the 2005 Montana Administrative Register, issue no. 3.
- 2. On March 4, 2005, a public hearing on the proposed amendment of the above-stated rule was conducted in Helena. Public comments were received concerning the proposed rule changes. The Board of Optometry (Board) has thoroughly considered the comments and the Board's responses are as follows:
- <u>COMMENT 1</u>: Two commenters objected to the proposed doubling of the annual renewal fee as a financial hardship. One commenter stated that the Board should demonstrate to licensees that all possible cost reduction measures have been taken.
- RESPONSE 1: The Board is statutorily mandated to set and maintain fees that are commensurate with licensing costs of the Board. Following the budgetary review process, it was determined that unless the Board increases the fees in the amount proposed, the Board will encounter a shortage of operating funds by the 2006 licensure renewal period. The Board and Department review projected operating expenses and potential methods of cost reduction during every biannual budgetary analysis. The Board has not determined to move to a two or three year licensure renewal cycle at this time.
 - 3. The Board has amended the rule exactly as proposed.

BOARD OF OPTOMETRY LARRY OBIE, CHAIRPERSON

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State April 18, 2005.